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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA AND
RELATED INTOLERANCE

Preparatory Committee
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Item 5 of the provisional agenda

REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

Report of the Regional Conference of the Americas Santiago, Chile, 5-7 December 2000

Note by the Secretary-General

The Secretary-General has the honour to transmit to the Preparatory Committee the report of the Regional Conference of the Americas.

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I. DRAFT DECLARATION AND PLAN OF ACTION

Preamble

We, the Governments participating in the Regional Conference of the Americas,

Gathered in Santiago from 5 to 7 December 2000 on the eve of the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Express our appreciation to the Government of Chile for hosting this Regional Conference,

Welcome the contributions of non-governmental organizations and other observers to the Regional Conference of the Americas, and particularly, taking note of the final document of the Citizens' Conference,

Take note of the conclusions and recommendations of the seminar of experts convened in Santiago from 25 to 27 October 2000,

Recalling Commission on Human Rights resolution 1997/74, General Assembly resolution 52/111 and subsequent resolutions of those bodies concerning the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and recalling also the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Reaffirming that the principles of human equality and respect for human rights and fundamental liberties without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, are fundamental principles of international law and of the international human rights legislation,

Reaffirming our commitment to addressing manifestations of racism, racial discrimination, xenophobia and related intolerance on grounds of race, lineage, colour, religion, culture, language or national or ethnic origin, aggravated for reasons of age, gender, sexual orientation, disability or socio-economic status,

Recognizing that States must protect and promote the human rights and fundamental freedoms of indigenous women, women who are of people of African descent, migrants, internally displaced, asylum-seekers or refugees as well as other vulnerable women, further recognizing that they are important actors and that the enjoyment of their civil, political, economic, social and cultural rights is essential for the development of societies throughout the region,

Reaffirming that the identity of the Americas cannot be disassociated from its multiracial, multi-ethnic, multicultural and pluralist nature, and that the wide diversity of our societies is a contribution to human coexistence and to the creation of cultures of mutual respect and democratic political systems,

Reaffirming also that the history of the Americas has often been characterized by racism, racial discrimination, xenophobia and related intolerance, and that telling the truth about the history of and ongoing manifestations of racism in the Americas is essential for reconciliation and to build societies based on justice, equality and solidarity,

Recognizing that the historical, social and cultural contribution of all peoples, groups, and communities has resulted in States of great diversity and has facilitated respect, tolerance and mutual understanding,

Fully aware that, in spite of the efforts made by States in the region, racism, racial discrimination, xenophobia and related intolerance still persist in the Americas and continue to be causes of suffering, disadvantage and violence, as well as of other serious human rights violations, which must be fought by all available means as a matter of the highest priority,

Reaffirming the right of all peoples to live in a society free of racism, racial discrimination, xenophobia and related intolerance, as well as the duty of States to take prompt, decisive and appropriate measures to eliminate all forms of racial discrimination whenever, wherever and however they occur,

Recognizing both the challenges and opportunities presented by an increasingly globalized world in relation to the struggle to eradicate racism, racial discrimination, xenophobia and related intolerance,

Emphasizing that the Americas give the highest priority to the World Conference, and reiterate the Hemisphere's commitment to the struggle against racism, racial discrimination, xenophobia and related intolerance, as well as to the full respect of all human rights for all,

Determined to devote ourselves without reservation to redoubling our efforts to fight racism, racial discrimination, xenophobia and related intolerance fully and effectively, giving this struggle the priority attention it deserves,

Join together, in a spirit of renewed political will and engagement, and make the following:

DECLARATION

General

1. Express our conviction that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere;

2. Reaffirm that ignoring the existence of discrimination and racism, at both the State and the society level, contributes directly and indirectly to perpetuating the practices of racism, racial discrimination, xenophobia and related intolerance;

3. Recognize and admit that conquest, colonialism, slavery and other forms of servitude were a source of racism, racial discrimination, xenophobia and related intolerance in the Americas, and condemn the injustices that were committed, especially against indigenous peoples and Africans and their descendants. The political, socio-economic and cultural structures imposed in the context of those processes permitted and encouraged racism, racial discrimination, xenophobia and related intolerance. Their effects persist in many of our societies and are a source of systemic discrimination that still affects large sectors of the population;

3 bis. Concerned also that the use of the term "peoples" in this document cannot be construed as having any implications as to the rights which attach to the term under international law. The rights associated with the term "indigenous peoples" have a context-specific meaning that is appropriately determined in the multilateral negotiations in the texts of declarations that specifically deal with such rights;

4. Repudiate the brutal crimes and injustices that were committed against indigenous peoples and Africans and their descendants who were subjected to slavery, the transatlantic slave trade and other forms of servitude that today could constitute crimes against humanity;[1]

5. Observe that poverty is often closely associated with racism, racial discrimination, xenophobia and related intolerance, and that these practices aggravate the conditions of poverty, marginality and social exclusion of individuals, groups and communities;

6. Condemn all forms of racism, racial discrimination, xenophobia and related forms of intolerance concerning economic, social and cultural rights and other related matters, including access to employment, government benefits, access to capital, credit, technology, education and vocational training, housing, health care, the environment, cultural activities, the protection of heritage, equal access to public services and other types of services, and national immigration policies;

7. Also condemn all forms of racism, racial discrimination, xenophobia and related forms of intolerance concerning civil and political rights and other related matters, including the right to participate in the electoral process, the right to seek public office, to participate in the administration and conduct of public affairs, the administration of and access to justice, and application of the law;

Democracy and political rights/tolerant societies and mutual respect

8. Express our conviction that political platforms based on racism, xenophobia or doctrines of racial superiority and discrimination must be condemned as incompatible with democracy and transparent and accountable governance, and that racial discrimination condoned by governmental policies violates human rights and may endanger friendly relations among peoples, cooperation among nations, and international peace and security;

9. Condemn legislation, political platforms, practices and organizations based on racism, racial discrimination, xenophobia and related intolerance. They must be condemned and are incompatible with democracy and with transparent and responsible management of public affairs. Racial discrimination justified by governmental policies violates human rights and may jeopardize friendly relations among peoples, cooperation among nations, as well as international peace and security;

Globalization

10. Express our determination to prevent and mitigate the negative effects of globalization. These effects may contribute to, inter alia, cultural homogenization, economic inequality within and between States which may occur along racial lines, or may be based on the social and economic exclusion of peoples, communities and groups, especially those who continue to endure the legacy of slavery and colonialism. Also express our determination to maximize the benefits of globalization through strengthening cooperation to create increased opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased inter-cultural exchange through the preservation and promotion of cultural diversity, which may contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance;

Victims of racism: general

11. Recognize that in the Americas the victims of racism, racial discrimination, xenophobia and related intolerance are the indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities affected by those scourges;

12. Also recognize the value and contribution to the development of the societies of the Americas of the traditions, cultures and specific identities of indigenous peoples, people of African descent, migrants and other victims;

13. Confirm, at the same time, that in many countries the sectors where poverty is most intense are those made up of indigenous peoples, people of African descent, migrants and other victims;

14. Express our deep concern that indigenous peoples, people of African descent, migrants and other victims of racism frequently suffer a disproportionate burden with regard to industrial pollution, degradation of the environment and the transfer of toxic waste to disposal sites, which adversely affects their quality of life and health;

15. Also express our deep concern that indigenous peoples, people of African descent, migrants and other victims of racism have economic and social indicators for education, employment, health, housing, infant mortality and life expectancy which are inferior to the average for the population in the States of the Americas;

16. Underscore the need to promote strategies, programmes and policies, which may include measures of affirmative action, for furthering the fulfilment of civil and political rights for victims of racism, racial discrimination, xenophobia and related intolerance, including through more effective access to the political, judicial and administrative functions of institutions, as well as the need to increase access to the administration of justice in all its forms, free from racial discrimination of any kind;

17. Also underscore the need to promote strategies, policies and programmes, which may include measures of affirmative action, for increasing the protection of the economic, social and cultural rights of indigenous peoples, people of African descent, migrants and other victims of racism, and for affording greater opportunities to such groups to share in the prosperity and wealth of the societies of the Americas, as well as for guaranteeing that the benefits of development, science and technology contribute effectively to the improvement of the quality of life of these populations;

18. Recognize that in many countries of the region, ethnic or racial criteria are not used in censuses or other data-collection exercises, which makes certain sectors of the population invisible in official statistics;

Indigenous peoples

19. Recognize the value and diversity of the cultures and the heritage of indigenous peoples, whose singular contribution to the development and cultural pluralism of the societies of the region and full participation in all aspects of society, in particular on issues that are of concern to them, are fundamental for political and social stability, and for the development of the States in which they live;

20. Also recognize the special relationship that indigenous peoples have with the land as the basis for their physical and cultural existence;

21. Firmly reiterate the determination of the countries in the region to promote the economic, social and cultural well-being of indigenous peoples and their enjoyment of the benefits of sustainable development, fully respecting their distinctive characteristics and their own initiatives. We also reiterate the conviction that the full realization by indigenous peoples of their human rights and fundamental freedoms is indispensable for eliminating racism, racial discrimination, xenophobia and related intolerance;

22. Recognize that the indigenous peoples of the Americas have been victims of discrimination for centuries and affirm that they are free and equal in dignity and rights and should not suffer any discrimination whatsoever, and particularly not on the basis of their indigenous origin and identity;

23. Emphasize that, in order for indigenous peoples freely to express their own identity and exercise their rights, they should be free from all forms of discrimination, which

necessarily entails respect for their human rights and fundamental freedoms. Efforts are now being made to secure universal recognition for those rights in the Declaration on the Rights of Indigenous Peoples, including the following: to call themselves by their own names; to participate freely and on an equal footing in a country's political, economic, social and cultural development; to maintain their own forms of organization, lifestyles, cultures and traditions; to maintain and use their own languages; to maintain their own economic structures in the areas where they live; to take part in the development of their educational systems and programmes; to manage their lands and natural resources, including hunting and fishing rights; and to have access to justice on a basis of equality;

24. Fully recognize all of the rights of the indigenous peoples in conformity with the principles of the sovereignty and territorial integrity of States; in concert with them the necessary constitutional, administrative, legislative and judicial reforms must be promoted, including those derived from applicable international instruments;

25. Express our concern that inherited political and legal structures based on colonial structures or institutions persist in the States of the region, that they do not always correspond to the multi-ethnic, pluri-cultural and pluri-lingual characteristics of the population and that, in many cases, they constitute the paramount factor of discrimination in the exclusion of indigenous peoples;

26. Welcome the creation of the Permanent Forum for Indigenous Issues within the United Nations system, giving concrete expression to major objectives of the International Decade of the World's Indigenous People and the Vienna Programme of Action, and urge States and the United Nations system, in consultation with indigenous peoples, to take all necessary administrative and budgetary measures to establish the Permanent Forum at the earliest possible date;

People of African descent

27. Recognize that people of African descent have for centuries been victims of racism, racial discrimination and enslavement and of the denial by history of many of their rights. Assert that they should be treated with fairness and respect for their dignity and should not suffer discrimination of any kind based on origin, culture, skin colour or social condition. Recognition should therefore be given to their rights to culture and their own identity; to participate freely and on equal conditions in political, social, economic and cultural life; to development in the context of their own aspirations and customs; to keep, maintain and foster their own forms of organization, their mode of life, culture, traditions and religious expressions; to maintain and use their own languages; to the protection of their traditional knowledge and their cultural and artistic heritage; to their ancestrally inhabited land; to the use, enjoyment and conservation of the natural renewable resources of their habitat and to active participation in the design, implementation and development of educational systems and programmes, including those of a specific and characteristic nature;[2]

28. Also recognize that the legacy of slavery has contributed to perpetuating racism, racial discrimination, xenophobia and related intolerance against people of African descent throughout the region. Also note the disastrous consequences of slavery, which are at the root of the situations of profound social and economic inequality which generally victimize people of African descent in the Americas;

29. Consider it essential for all countries in the region to recognize the existence of their population of African descent, the cultural, economic, political and scientific contributions made by that population and recognize the persistence of racism, racial discrimination, xenophobia and related intolerance that specifically affect them. Recognize that, in many countries, their longstanding inequality in terms of access to, inter alia, education, health care and housing has been a profound cause of the socio-economic disparities that affect them;

30. Note that the population of the Caribbean region of the Americas is comprised of a majority of people of African descent and several minority racial groups, and that the Caribbean nations as a group have taken deliberate steps to address racial tensions through negotiations thereby promoting the development of relatively tolerant multi-racial societies;

31. Recognize that the racism and racial discrimination that people of African descent have historically suffered throughout the Americas is at the root of the situation of marginalization, poverty and exclusion that affects the majority of them in many countries of the continent and that, despite the many efforts made, this situation persists, in varying degrees;

32. Also recognize the value and diversity of the cultural heritage of people of African descent and affirm their full participation in all aspects of society, particularly in the affairs that directly concern them and that are considered to be essential;

Migrants

33. Recognize the positive economic and cultural contributions made by migration to both countries of origin and of destination;

34. Note with concern the manifestations and acts of racism, racial discrimination, xenophobia and other forms of related intolerance against migrants;

35. Reaffirm the responsibility of Governments to safeguard and protect the human rights of migrants living in their territory and under their jurisdiction against illegal acts by their agents or by individuals or groups motivated by racism, xenophobia or related intolerance;

36. Express our concern and indignation that, despite the measures taken by the international community, racism, racial discrimination, xenophobia and related intolerance against migrants are on the increase, as are the stereotypes usually applied to them;

37. Recall the vulnerable situation in which migrants often find themselves, because, among other things, of the difficulties they face owing to gender and to differences in language, religion, habits and culture, as well as legal, economic and social obstacles;

38. Highlight the importance of creating conditions conducive to greater harmony, tolerance and respect between migrants and the rest of society in the country in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants;

39. Recall that, in its resolution 45/158 of 18 December 1990, the United Nations General Assembly approved and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

40. Recognize the efforts made by several States to penalize and combat the international traffic in persons and the smuggling of migrants and to protect the victims of those illegal activities, and highlight again the need to adopt legal, administrative and judicial measures against the persons responsible for international traffic in persons and the smuggling of migrants;

Other victims of racism

41. Recognize the existence of a mestizo population of different ethnic and racial origins, to a large extent as the result of the history of colonization and slavery in the American continent, in which unequal relations of race and gender were joined;

42. Also recognize the valuable contribution of the mestizo population which continues to incorporate different human groups from other continents;

43. Condemn the discrimination of which mestizos are in many cases the victims because of their different ethnic and racial origins or their different varieties of skin colour;

44. Express our deep concern at the pernicious nature of the discrimination of which many mestizos are victims. The often subtle nature of such discrimination may lead to the denial of its existence and thus tend to perpetuate it;

45. Recognize that refugees, asylum seekers and internally displaced persons are particularly vulnerable to manifestations of racism, racial discrimination, xenophobia and/or related forms of intolerance;

46. Confirm with deep concern the increase in anti-Semitism and hostile acts against Jews in some countries in the region and in other parts of the world, as well as the emergence of radical and violent movements based on racism and discriminatory ideas concerning the Jewish community;

47. Also confirm with deep concern the existence of Islamophobia and hostile acts against Arabs, which are evidenced in some countries in the region and in other parts of the world;

48. Recognize with concern that the Roma and Senti are victims in some countries of the region of stigmatization and discrimination, as in other parts of the world;

49. Recognize the history of persons of Asian descent in the Americas as one often characterized by systemic and overt discrimination that violated their human rights, a history that manifests itself in ongoing racism, racial discrimination, xenophobia and related intolerance. Despite the difficulties and barriers, people of Asian descent have contributed and continue to contribute significantly to the economic, social, political, scientific and cultural life of the hemisphere;

50. Consider that States should avoid discriminatory practices of racism, racial discrimination, xenophobia and related intolerance in employment and occupation by promoting the application and observance of international instruments and norms on workers' rights, and should continue to work to protect the rights of workers who are particularly vulnerable to racism, racial discrimination, xenophobia and related intolerance;

Victims of aggravated or multiple discrimination

General

51. Recognize that certain persons and groups may experience other forms of discrimination on the basis of their gender, age, disability, genetic condition, language, religion, sexual orientation, economic status or social origin, and that in addition they may experience acts of racism, racial discrimination, xenophobia and related intolerance. Note that this situation can result in such persons being victims of multiple forms of discrimination; and stress that special attention should be given to the elaboration of strategies, policies and programmes, which may include affirmative action, for those persons who may be the victims of multiple forms of discrimination;

Women

52. Also recognize the need to integrate a gender perspective into programmes of action against racism, racial discrimination, xenophobia and related forms of intolerance, in order to address the phenomenon of multiple discrimination against women;

53. Consider that racism, racial discrimination and xenophobia reveal themselves in a differentiated manner for women, causing their living conditions to deteriorate, generating multiple forms of violence, and limiting or denying them the benefit and the exercise of their human rights;

54. Recognize within the cultural, ethnic and racial diversity, the existence of gender relations that translate into discriminatory practices against women, and for this reason affirm the need to make efforts to transform stereotypes that perpetuate this situation;

55. Note with concern the trafficking in and sexual exploitation of women and girls, whose victimization is aggravated by migration and armed conflict;

Children

56. Observe with concern the large number of children, girls and young people among the victims of racism, racial discrimination, xenophobia and related forms of intolerance in the region. Note the need to consider these situations of discrimination when designing strategies and programmes for, inter alia: (a) abandoned children; (b) children who live or work in the street; (c) child victims of trafficking and economic exploitation; (d) sexually exploited children; (e) children affected by armed conflict; and (f) child victims of poverty;

57. Stress the need to incorporate the principle of the best interests of the child in programmes against racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the situation of children and young people who are victims of these practices;

HIV/AIDS

58. Note with great concern that, in many countries of the Americas, people infected or affected by HIV/AIDS, as well as those who are presumed to be infected, belong to vulnerable groups in which racism, racial discrimination, xenophobia and related intolerance have a negative impact and impede access to health care and medication. Urge that programmes be designed to prevent and treat these diseases;

Poverty

59. Note with great concern that the descendants of racial and ethnic groups which were the victims of past acts of racial discrimination often find themselves amongst the poorest segments of the population in the States of the region; and recognize the close correlation between racism, racial discrimination, xenophobia and related intolerance and extreme poverty;

Prevention: education, public information, media, Internet

60. Recognize that education and lifelong learning are basic for the respect of the racial, ethnic, cultural, linguistic and religious diversity of our societies which is essential to prevent the spread of racism, racial discrimination, xenophobia and related intolerance, and is of key importance for protecting and promoting democratic values;

61. Recognize the necessity of increasing appropriate preventive measures in order to eliminate all forms of racial discrimination, and the important role that international organizations, Governments, local authorities, the media, non-governmental organizations and civil society can play in developing such measures and building confidence between different racial and ethnic groups;

New technologies

62. Express deep concern about the use of new information technologies, such as the Internet, to encourage racial hatred, xenophobia, racial discrimination and related intolerance, including access to this information by children and youth, and recognize that these new information technologies can and must be used to promote tolerance and respect for diversity;[3]

NGOs and youth

63. Recognize the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular by helping Governments develop regulations and strategies against such forms of discrimination and follow up implementation;

64. Also recognize that international exchange and dialogue among young people is an important element of building intercultural understanding and respect, and will contribute to the elimination of racism, racial discrimination, xenophobia and related intolerance;

65. Stress the particular importance of involving the young people of the Americas in the preparatory process leading to the World Conference, note the importance of paying special attention to new manifestations of racism, racial discrimination, xenophobia and related intolerance to which they might be exposed. Underline the usefulness of involving young people in the development of forward-looking national, regional and international strategies and in policies to fight racism, racial discrimination, xenophobia and related intolerance;

Remedies/reparation/administration of justice/crimes against humanity and humanitarian law

66. Express their profound repudiation of racism, racial discrimination, xenophobia and related intolerance, particularly in penal systems and in the application of the law, as well as in the actions of institutions and individuals responsible for law enforcement, which has contributed to the fact that certain groups, including people of African descent, indigenous peoples and migrants, represent an exaggerated proportion of prisoners in penal institutions and administrative detention centres;

67. Affirm the need to put an end to impunity for all perpetrators of grave and systematic violations of the fundamental human rights and freedoms of indigenous peoples, people of African descent, migrants and other groups and individuals who are victimized by racism, racial discrimination, xenophobia and related intolerance. Underscore the fact that impunity weakens the rule of law and democracy, undermines the rights of the victims and encourages the repetition of such acts;

Legal liability of States: investigation and reparation

68. Recall that it is the legal duty of States to carry out exhaustive, timely and impartial investigations of all acts of racism, racial discrimination, xenophobia or related intolerance, to penalize those responsible according to the law and to secure prompt and fair reparation for the victims;[4]

National human rights institutions

69. Recognize the importance of national human rights institutions and Ombudspersons in the struggle against racism, racial discrimination, xenophobia and related intolerance, and reaffirm the need for such entities to be established where there are none, and the need for maximum cooperation by the authorities and society in general in those countries where they are performing their tasks of protection and prevention;

Reconciliation

70. Acknowledge that the enslavement and other forms of servitude of Africans and their descendants and of the indigenous peoples of the Americas, as well as the slave trade, were morally reprehensible, in some cases constituted crimes under domestic law and, if they occurred today, would constitute crimes under international law. Acknowledge that these practices have resulted in substantial and lasting economic, political and cultural damage to these peoples and that justice now requires that substantial national and international efforts be made to repair such damage. Such reparation should be in the form of policies, programmes and measures to be adopted by the States which benefited materially from these practices, and designed to rectify the economic, cultural and political damage which has been inflicted on the affected communities and peoples;[5]

Crimes against humanity

71. Recall that, pursuant to international law, persecution of a group or community with a particular identity for racial or ethnic motives, as well as institutionalized racism, are serious violations of human rights and, in some cases, may qualify as crimes against humanity;

Humanitarian law

72. Reaffirm that racism, racial discrimination, xenophobia and related intolerance are practices that need to be addressed equally in times of peace and in times of armed conflict and note that States and the international community should remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination;

Regional and international cooperation/regional and international instruments

73. Recall the importance of international cooperation to promote (a) the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance; (b) the effective implementation of international treaties and instruments that forbid these practices and (c) the implementation of United Nations and States' obligations in this regard;

74. Express our determination to promote the application of the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and other instruments, signed and ratified by States, that oppose and combat racism, racial discrimination, xenophobia and related intolerance;

75. Recognize that a worldwide strategy against racism, racial discrimination, xenophobia and related intolerance can only succeed with the cooperation of States, international organizations, the international financial institutions, regional organizations, non-governmental organizations, individuals and communities. Such success requires specifically taking into consideration the opinions and demands of the victims of such discrimination;

76. Stress the need to promote regional mechanisms to improve substantially the economic, social and cultural situation of the victims of racism, racial discrimination, xenophobia and related intolerance;

PLAN OF ACTION

General

77. Request States to double their efforts to reassert their commitment to eradicating racism, racial discrimination, xenophobia and related intolerance in order to improve human well-being, promote more inclusive and participatory societies, and eradicate poverty. All these objectives require both the effort of Governments and the collective commitment and efforts of the international community;

78. Urge States to adopt or strengthen, as appropriate, national programmes for eradicating poverty among indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities, and also request that they expand their efforts to foster bilateral, regional and international cooperation in implementing those programmes;

79. Recognize that the success of this Plan of Action will require adequate funding at the national, regional and international levels, including, in some circumstances, new and additional resources particularly for developing countries;

80. Request the Office of the United Nations High Commissioner for Human Rights to organize a database that can be consulted directly and via the Internet which contains information on the struggle against racism, racial discrimination, xenophobia and related intolerance, particularly in relation to: international and regional instruments and national legislation; educational and preventive programmes implemented in various countries and regions; opportunities for technical cooperation; and academic studies and specialized documents;

81. Request the Office of the United Nations High Commissioner for Human Rights, in its dealings with other international agencies and financial and development institutions, to promote the mainstreaming of a human rights perspective in their activities and emphasize the need for their activities to address, on a priority basis, the issue of the struggle against racism, racial discrimination, xenophobia and related intolerance;

Democracy and political rights/tolerant societies and mutual respect

82. Stress that democratic development and promotion of the rule of law constitute fundamental premises for eradicating racism, racial discrimination, xenophobia and related intolerance, since the building of societies that are more democratic and more respectful of human rights will help to overcome the institutionalized discriminatory practices and others that still persist in the States of the Americas;

83. Urge States to reaffirm their democratic commitment and take the necessary legislative, administrative and judicial measures, in accordance with their obligations under regional and international human rights instruments, to condemn and actively discourage all forms of propaganda, publicity, organizations, associations, political parties or groups inspired by ideas or theories of the superiority of one race or ethnic group and that seek to justify or promote racial hatred, xenophobia or racial discrimination;

Victims of racism: general

84. Urge States to collect, compile, and disseminate data on the situation of groups which are victims of discrimination, providing information on the composition of their populations disaggregated by nationality, ethnicity, sex, age and other factors, as appropriate, for inter alia, the development and evaluation of policies and programmes with respect to human rights, including racism, racial discrimination, xenophobia and related intolerance and to share experiences and successful practices with other States in the region;

85. Urge States to have institutions responsible for providing statistical information on the population take explicit account of the existence of indigenous peoples, people of African descent and other ethnic groups, capturing the component parts of their diversity, according to their needs and characteristics, designing strategies to evaluate the rights policies of ethnic groups and exchanging experiences and practices with other States. To that end, we recommend the development of participatory strategies for these communities in the processes of collecting and using information;

86. Urge States to establish, on the basis of existing statistical information, national programmes, including affirmative action measures, to promote the access of indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities to education, medical care and basic social services;

87. Urge States to take measures to eliminate disparities in health status experienced by disadvantaged racial and ethnic groups by the year 2010, including, inter alia, disparities in infant mortality, childhood immunization, diabetes, heart disease, HIV/AIDS and cancer;

88. Urge States to adopt measures to provide a proper environment for those affected by racism, racial discrimination, xenophobia or related intolerance, including action to reduce and eliminate the industrial pollution that affects them disproportionately, to take measures to clean and redevelop contaminated sites located in or near where they live and, where appropriate, to relocate, on a voluntary basis and after consultation with those affected, racially and ethnically disadvantaged groups to other areas when there is no other practical alternative to ensuring their health and well-being;

89. Invite States to promote and support the establishment and functioning of enterprises, owned by indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities favouring access to credits and training programmes;

90. Request the United Nations High Commissioner for Human Rights to establish a fourth branch within her Office to foster activities to combat racism, racial discrimination, xenophobia and related intolerance and to promote the rights of indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities;

91. Request the Office of the United Nations High Commissioner for Human Rights to take initiatives aimed at fostering cooperation among States, and between them and international organizations for the purpose of concluding agreements, coordinating activities and developing programmes in favour of indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities, in order to combat manifestations of racism, xenophobia and related intolerance and discrimination;

92. Request the operational programmes and agencies of the United Nations, financial and development institutions, in accordance with their mandates, to assign higher priority and provide more funding to projects in favour of indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities, in order to combat manifestations of racism, xenophobia and related intolerance and discrimination, and to include such vulnerable groups at the stage of the development and implementation of projects concerning them;

Indigenous peoples

93. Urge States to officially recognize the identity and rights of indigenous peoples and to adopt, in agreement with them, the constitutional, administrative, legislative and judicial measures necessary to promote, protect and guarantee the exercise of their human rights and fundamental freedoms;

94. Urge States to adopt all necessary measures to ensure the full enjoyment by indigenous peoples of their rights, on the basis of equality and non-discrimination, including their full and free participation in all areas of society, in particular in matters affecting or concerning their interests, and to promote better knowledge of and respect for indigenous cultures and heritage;

95. Reiterate firmly the determination of the countries of the region to strive to ensure the economic, social and cultural well-being of indigenous peoples and to guarantee their enjoyment of the benefits of sustainable development while fully respecting their distinctive characteristics and own initiatives. Reiterate also the firm belief that in order to confront racism, racial discrimination, xenophobia and related intolerance, the full exercise of their human rights and fundamental freedoms is vital;

96. Urge States to work with indigenous peoples to stimulate and increase their economic activities and level of employment through the establishment, acquisition or expansion of enterprises owned by indigenous peoples, and measures such as training, technical assistance and credit facilities;

97. Urge States to work with indigenous peoples so as to establish and implement programmes that provide access to training and services that could benefit the development of their communities;

98. Request States to adopt public policies and give impetus to programmes on behalf of indigenous women, with a view to promoting their civil, political, economic, social and cultural rights; to putting an end to their situation of disadvantage for reasons of gender; to dealing with urgent problems affecting them, in education and in the economy and in the matter of domestic violence; and to eliminating the situation of discrimination suffered by indigenous women on multiple grounds of racism and gender discrimination;

99. Call upon States to conclude negotiations and approve as soon as possible the text of the United Nations declaration on the rights of indigenous peoples, under discussion by the Working Group in accordance with Commission on Human Rights resolution 1995/32;

100. Request States to support the prompt establishment and future work of the Permanent Forum on Indigenous Issues;

101. Support the efforts of the States of the region to draw up an American declaration on the rights of indigenous peoples, and, to this end, to encourage the involvement of indigenous representatives and non-governmental human rights organizations;

102. Invite financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies:

(a) To assign greater priority and allocate more funding, within their areas of competence, to the improvement of the status of indigenous peoples, with special attention to the needs of these populations in developing countries, including, inter alia, the preparation of specific programmes of action with a view to achieving the objectives of the International Decade of the World's Indigenous People;

(b) To carry out special projects, through appropriate channels and in collaboration with indigenous peoples, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between indigenous peoples and experts in these areas;

People of African descent

103. Urge States to take measures to alleviate inequalities that still persist because of the shameful legacy of slavery;

104. Urge States to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the advancement and economic development of their countries, and to promote a greater knowledge of and respect for their heritage and culture;

105. Request the Commission on Human Rights to positively consider concentrating additional investments in health-care systems, education, public health, electricity, drinking water and environmental control as well as other affirmative action initiatives in communities of primarily African descent;

106. Call upon the United Nations, financial institutions and other appropriate international mechanisms to develop programmes intended for people of African descent in the Americas and around the world;

107. Request the Commission on Human Rights to consider the establishment of a working group or other mechanism in the United Nations to study the problems of racial discrimination faced by persons of the African diaspora, and in particular persons of African descent living in the Americas, and make proposals for the elimination of racial discrimination against people of African descent;

108. Urge the United Nations, other appropriate international and regional organizations and States to redress the marginalization of Africa's contribution to world history and civilization by developing and implementing a specific and comprehensive programme of research, education and mass communication to widely disseminate the truth about Africa's seminal and valuable contribution to humanity;

109. Invite financial and development institutions and the operational programmes and specialized agencies of the United Nations, in accordance with their regular budgets and the procedures of their governing bodies, to:

(a) Assign greater priority, and consider allocating more funding, within their areas of competence and budgets, to improving the situation of people of African descent, while devoting special attention to the needs of these populations in developing countries, including, inter alia, the preparation of specific programmes of action;

(b) Carry out special projects, through appropriate channels and in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

110. Request States to increase actions and public policies in favour of young males of African descent, given that racism affects them deeply, placing them in a more marginalized and disadvantaged situation;

111. Request the Pan American Health Organization to promote activities for the recognition of the race/ethnic group/gender variant as a significant variable in health matters and to prepare specific projects for prevention, diagnosis and treatment among people of African descent;

112. Encourage the public sector of States to identify the factors which prevent the access to and promotion of people of African descent in the public service and to take appropriate measures to remove the obstacles identified; also encourage the private sector to revise its practices of personnel recruitment, remuneration and promotion, with a view to securing the presence of people of African descent at all levels of hierarchy;

113. Call upon States to take specific steps to ensure full and effective access to the administration of justice of all citizens, particularly those of African descent;

114. Urge States to give impetus to the development, by the press and the communications and advertising media, of codes of ethics in order to do away with stereotypes and ensure the fair and balanced presence of people of African descent as well as ensuring that this diversity is reflected among their members and readers/audiences;

115. Request States to give impetus to public activities and policies on behalf of women of African descent, since racism affects them more deeply and because they are in a more disadvantaged situation;

116. Urge States to find a solution to problems of ownership in respect of land inhabited since ancestral times by people of African descent according to their respective domestic legal framework, and to take steps to promote the comprehensive development of the people of African descent who occupy that land;

117. Call on States to promote the exercise of the rights set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted in General Assembly resolution 36/55, in order to obviate religious discrimination against people of African descent;

118. Request States which practised and benefited from the trans-Atlantic slave trade and the system of enslavement of Africans to initiate a constructive dialogue with people of African descent in order to identify and implement measures for ethical and moral satisfaction and any others that may be agreed;

119. Urge States that participate in or permit contemporary forms of slavery-like practices to take all necessary and appropriate measures to end them and to initiate constructive dialogue and implement measures with a view to correcting the problem and the damage resulting from them;

Migrants

120. Request all States to condemn any proposal that would lead to a generalized rejection of migrants and actively to discourage all racist demonstrations that generate negative feelings of rejection against migrants;

121. Urge non-governmental organizations and civil society to include monitoring and protection of the human rights of migrants within their programmes and activities and to make efforts to sensitize Governments and public opinion about the need to prevent and punish unlawful acts based on racism, racial discrimination, xenophobia and related intolerance;

122. Urge all States to revise their immigration policies and practices in order to eliminate any policy or practice that discriminates against migrants in a manner incompatible with their obligations under international human rights instruments, including excessive use of force. Also urge that it should be ensured that police and immigration authorities respect the standards regarding dignified and non-discriminatory treatment of migrants, among other aspects, through specialized training courses for administrators, police officers, immigration officials and other interested groups, stressing the importance of effective action to create conditions that will promote greater harmony and respect between societies;

123. Request States to promote and protect effectively the human rights and fundamental freedoms of all migrants as reflected in the Universal Declaration of Human Rights and the international human rights instruments to which they are parties; also to furnish information and education on those rights and to adopt and promote integration policies;

124. Request States to participate in an ongoing regional dialogue on problems of migration and call on them to negotiate bilateral and regional agreements on migrant workers, and to promote contacts with States of other regions to protect the rights of migrants from the Americas;

125. Encourage those Member States that have not yet done so, to enact and implement, as the case may be, laws against trafficking in persons and smuggling of migrants; and to take into account, in particular, practices that endanger their lives or lead to various kinds of servitude and exploitation, such as debt bondage, slavery and sexual or labour exploitation, and to reinforce bilateral, regional and international cooperation to combat this traffic;

126. Reiterate the need for all States to provide full protection for the universally recognized human rights of migrants, and in particular those of women, children and detainees regardless of their legal immigration status, and to treat them with humanity with respect to legal protection and, where appropriate, material assistance;

127. Urge States to seek full respect for, and compliance with, the 1963 Vienna Convention on Consular Relations, especially as it relates to the right of foreign nationals, regardless of their immigration status, to communicate with a consular officer of their own State in the case of arrest or detention;

128. Invite States to promote the study and adoption of an integral, objective and long-term approach to all phases and aspects of migration, that will deal effectively with both its causes and manifestations and pay special attention to the prevention and punishment of illegal acts motivated by racism, racial discrimination, xenophobia and related intolerance, wherever they may occur;

129. Request the Office of the United Nations High Commissioner for Human Rights to pay special attention to violations of the human rights of migrants, to promote international cooperation in combating xenophobia and, to this end, develop programmes which can be applied in the countries on the basis of appropriate cooperation agreements;

130. Call upon international organizations having areas dealing specifically with migration issues to exchange information and coordinate their activities on matters involving discrimination and xenophobia against migrants, with the support of the Office of the United Nations High Commissioner for Human Rights;

131. Invite States and regional American organizations to consider the question of the recognition of the professional and technical work of migrants, with a view to recognizing their contribution in their new countries of residence;

132. Invite States to consider signing, ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990);

Other victims of racism

133. Reaffirm the commitment of States to comply with their obligations relating to the protection and promotion of the rights of refugees, asylum-seekers and internally displaced persons;

134. Urge States to take the necessary measures to ensure that no person will be expelled, extradited or returned to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or persecution on account of his or her race, religion, nationality, membership of a particular social group or political opinion;

135. Urge States to apply the United Nations Guiding Principles on Internal Displacement, particularly those provisions relating to non-discrimination, where applicable;

136. Urge States to eliminate all the legal and real barriers that obstruct the full exercise of the civil, political, economic, social and cultural rights of the Roma (Gypsy) people;

137. Urge States to recognize the different barriers that refugees and immigrants face as they endeavour to participate in the economic, social, political and cultural life of their countries and encourage States to develop strategies to facilitate the long-term integration of these persons into their new countries of residence, and the full enjoyment by them of their human rights;

Victims of aggravated or multiple discrimination

General

138. Urge States to consider taking special measures to protect especially vulnerable persons and groups which may be subject to multiple forms of discrimination on account of their gender, age, national origin, sexual orientation, social or economic status, physical or mental disability, state of health, religious belief or any other condition liable to give rise to discrimination, including racial discrimination;

139. Urge States to take measures to prevent the use of scientific and technological progress in genetic research to promote racism, racial discrimination, xenophobia and related intolerance, to protect the individual privacy of the information contained in the human genetic code;

140. Request States and the international community to recognize that some victims of racism, racial discrimination, xenophobia and related intolerance are further marginalized by their age, gender, sexual orientation, disability, or social or economic status;

Women

141. Urge States to incorporate a gender perspective into all programmes of action against racism, racial discrimination, xenophobia and related intolerance and to consider the burden of discrimination that particularly falls on indigenous women, women of African descent, women migrants and women from other disadvantaged groups, ensuring their access to the resources of production on an equal footing with men, as means of promoting their participation in the economic and productive development of their communities;

142. Urge States to involve women in decision-making at all levels when working towards the eradication of racism, racial discrimination, xenophobia and related intolerance, and to develop concrete measures to incorporate race/gender analysis in all aspects of the Plan of Action, particularly in the fields of employment programmes and services and resource allocation;

143. Urge States to give priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without distinction of any kind as to race, colour, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status;

[144. No text]

Children

145. Request States and international organizations to provide protection against acts of racism, racial discrimination, xenophobia and related intolerance against children, particularly those who find themselves in circumstances of particular vulnerability;

HIV/AIDS

146. Invite States to strengthen national mechanisms to protect the human rights of persons who carry HIV or who are ill with AIDS and to take all necessary measures, including appropriate programmes of education, prevention, training and mass media dissemination to eliminate stigmatization and discrimination against persons infected or affected by HIV/AIDS. Also invite them to ensure their full enjoyment of all civil, political, economic, social and cultural rights, in particular women, children and vulnerable groups, so that persons who admit to an HIV infection, those presumably infected and other persons affected are protected against violence, stigmatization, discrimination, unemployment and other negative consequences which may be compounded by racism, racial discrimination, xenophobia and related intolerance;

Poverty

147. Urge States in their national efforts, and in cooperation with regional and international financial institutions, to promote the use of public investment and encourage private investment in order to eradicate poverty, particularly in those areas in which indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities predominantly live;

148. Urge States to consider policies and programmes to reduce income and wealth inequality in the Americas, recognizing the close association between poverty and racism, racial discrimination, xenophobia and related intolerance. Further request States to take additional steps to protect economic, political, social and cultural rights on a non-discriminatory basis, by ensuring an increase in the delivery of public services and access to social justice and rights for indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities;

Prevention: education, public information, media and the Internet

Prevention

149. Request States to establish international early-warning mechanisms for detecting situations where racism, racial discrimination, xenophobia and related intolerance are practised on a massive scale;

150. Urge States to develop mechanisms for identifying and preventing racism, racial discrimination, xenophobia or related intolerance, and call upon States to cooperate with each other and with the United Nations in order to prevent, investigate and punish in accordance with the law all illegal acts motivated by racism, racial discrimination, xenophobia or related intolerance;

Education

151. Stress that education and training programmes, as well as other social policies, should promote more inclusive societies, encouraging stable and harmonious relationships and friendships between different nations, peoples and groups, fostering mutual understanding, solidarity, tolerance, development of a culture of peace, the study of the Holocaust and injustice against indigenous peoples and people of African descent in the Americas, social justice and respect for human rights for all;

152. Urge States to commit themselves to promoting access to education, without discrimination of any kind, in accordance with international standards, including access to free primary education for all children within their territory;

153. Urge States to give priority to text and curriculum review, to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, including material that combats such stereotypes. Also urge them to provide an accurate presentation of the history of the State, highlighting the contributions of the different culture and civilizations of the region and the world, including the role that indigenous peoples, people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities have played in building national identities in the Americas, and historical and contemporary examples of racism, racial discrimination, xenophobia and related intolerance directed against these groups;

154. Urge States to encourage higher education institutions to include specific subject matter relating to racism, racial discrimination, xenophobia and related intolerance in appropriate courses;

155. Urge States to encourage all schools to consider including in their educational curricula an annual day against racism, racial discrimination, xenophobia and related intolerance, and activities throughout the school year to raise the awareness of these issues;

156. Call upon States to take the necessary measures to achieve educational excellence for all students, regardless of race, ethnicity or national origin;

157. Request States to organize and facilitate, as appropriate, training courses or seminars on racism, racial discrimination, xenophobia and related intolerance for prosecutors, law enforcement officials, members of the judiciary and other public employees. Also call upon States to provide wide-ranging education for their law enforcement officials, in particular members of the police force, in combating stereotypes that provoke violence on their part, particularly against people of African descent;

158. Urge Governments to disseminate information, through appropriate means, to promote a spirit of respect for diversity and inclusiveness between the various racial and ethnic groups that make up society by rebutting stereotypes, myths and erroneous theories and ideologies that foster racism, racial discrimination, xenophobia and related intolerance;

159. Urge States to adopt policies to address violence based on racism, racial discrimination, xenophobia and related intolerance, ensuring that schools are safe and suitable places for students and teachers alike, realizing that an atmosphere of fear and hostility is counterproductive for learning;

160. Encourage all relevant actors to intensify their efforts at the national, regional and international levels, especially by means of education, to ensure that children are educated from an early age in those values, attitudes and ways of conduct and life that will allow them to resolve conflicts of a racial or ethnic character peacefully, in a spirit of respect for human dignity, tolerance and non-discrimination;

United Nations Decade for Human Rights Education (1995-2005)

161. Request States to include the struggle against racism, racial discrimination, xenophobia and related intolerance among the activities of the United Nations Decade for Human Rights Education;

UNESCO

162. Stress the important role that UNESCO can play in providing support to States in the preparation of teaching materials and tools for promoting teaching, training and educational activities relating to human rights and the struggle against racism, racial discrimination, xenophobia and related intolerance;

Media

163. Request that the World Conference call for the development of effective legislative, policy and programme measures at the national, regional and international levels, that will contribute to the elimination of propaganda that promotes racism, racial discrimination, xenophobia and related intolerance;

164. Urge States to initiate public information campaigns, including through the mass media, aimed at society in general and at groups and individuals particularly affected by racism, racial discrimination, xenophobia and related intolerance, to promote respect for the values of diversity, pluralism, tolerance, mutual respect, cultural sensitivity, integration, inclusiveness and gender perspectives and to disseminate information on the means available to seek redress for the victims of acts of racism, racial discrimination, xenophobia and related intolerance;

165. Urge the media to discourage stereotyping, and encourage objective and balanced portrayals of people and events, including the reporting of crime, recognizing the profound influence that such portrayals have on societal perception of groups whose members are frequently victims of racism, racial discrimination, xenophobia and related intolerance. Also urge them to make specific efforts to portray the contributions of vulnerable groups;

166. Urge States to discourage advertising that portrays stereotypical or otherwise negative images of indigenous peoples, people of African descent, migrants, and other ethnic, racial, cultural, religious and linguistic groups or minorities, and to encourage advertising that promotes a broader understanding of these victims of racism and fosters the values of diversity, tolerance and mutual respect;

167. Urge States, non-governmental organizations, companies, communications media and all sectors of society to promote action to combat racism, racial discrimination, xenophobia and related intolerance;

168. Urge the media to recognize the value of cultural diversity and to take concrete measures to ensure that marginalized communities have access to the media through, inter alia, the presentation of programmes that reflect the cultures and languages of minority communities, and to ensure that members of groups which are victims of racism, racial discrimination, xenophobia and related intolerance are adequately represented at all levels of their organizational structure;

Internet

169. Call upon States to encourage Internet service providers to establish and disseminate specific codes of conduct against the dissemination of racist messages and those that promote racial discrimination, xenophobia or any form of intolerance and discrimination;

170. Request States to take appropriate measures to promote the responsible use of the Internet, taking into account relevant national and international legal standards, with a view to eliminating racism, racial discrimination, xenophobia and related intolerance as well as incitement to racial hatred and violence;

171. Request States to take the necessary measures to condemn and actively discourage the transmission of racist and xenophobic messages through all communications media, including new communications technologies such as the Internet;

172. Recommends to the Commission on Human Rights that it should draw up an international code of ethics for communications media, especially the Internet, that includes specific measures to combat the unlawful dissemination of information that is racist, discriminatory, xenophobic or relating to intolerance;

NGOs and youth

173. Call upon States, in partnership with non-governmental organizations, civil society and the private sector, to facilitate an international youth dialogue on racism, racial discrimination, xenophobia and related intolerance, through the World Youth Forum of the United Nations system and through the use of new technologies, exchanges and other means; and to take measures to facilitate the full involvement of youth in the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, through consultation at the national and international levels and the inclusion of youth in their national delegations or facilitation of their participation;

Remedies/reparation/administration of justice/crimes against humanity and humanitarian law

Remedies: general

174. Invite States to take appropriate constitutional, legislative and administrative measures, to foster equality among individuals, indigenous peoples, among people of African descent, migrants and other ethnic, racial, cultural, religious and linguistic groups or minorities whose members are frequently victims of racism, racial discrimination, xenophobia and related intolerance, and review existing measures with a view to amending or repealing national legislation and administrative provisions that may give rise to discrimination;

175. Urge those States in which the political and legal systems do not reflect their multiracial, multi-ethnic, multilingual and multicultural realities to review those systems, in consultation with representatives of the affected groups, with a view to improving democratic institutions so that they are more fully participatory and avoid marginalization, exclusion and discrimination of specific sectors of society, including indigenous peoples, people of African descent, migrants and other victims of racism;

176. Request States to make a serious commitment to adopting more appropriate measures to (a) combat illegal acts motivated by racism, racial discrimination, xenophobia and related intolerance against individuals, communities or groups of persons; (b) protect victims of discrimination and provide them with security against future threats; (c) punish those responsible for such crimes and violations of human rights; and (d) make every effort to ensure that national and local public authorities act accordingly;

177. Urge States to adopt effective measures to combat acts motivated by racism, racial discrimination, xenophobia and related intolerance, to prevent these crimes from going unpunished and to ensure the rule of law, in particular implementing measures aimed at ensuring:

(a) That any act of violence or any crime committed for reasons of racism, racial discrimination, xenophobia or related intolerance will be subject to an exhaustive, prompt and impartial investigation;

(b) That those responsible for such acts will be punished in accordance with the law;

(c) That motivation on the basis of racism, racial discrimination, xenophobia and related intolerance will be considered an aggravating factor for the purposes of sentencing;

(d) That legal and administrative measures will be taken, as necessary, to prohibit orders or instructions that entail, provide for, authorize or encourage racism, racial discrimination, xenophobia and related intolerance;

(e) That proper protection is provided for victims, individual or collective, of acts of violence and crimes committed for reasons of racism, racial discrimination, xenophobia or related intolerance to protect them from any mistreatment or any act of intimidation or reprisal, along with their relatives, plaintiffs, lawyers, witnesses and, in general, all those who participate in the investigation and legal proceedings;

(f) That any mistreatment, act of intimidation or reprisal, as well as any form of interference relating to the submission of a complaint or during the investigation proceedings, will be punished according to law;

(g) That the perpetrators of acts of violence or crimes committed for reasons of racism, racial discrimination, xenophobia or related intolerance cannot act with impunity;

178. Urge States to ensure that appropriate information, including statistics and other data, is collected to ensure that crimes motivated by racism, racial discrimination, xenophobia and related intolerance will be monitored, studied and prevented;

179. Urge States to include victims in developing appropriate strategies to prevent crimes motivated by racism, racial discrimination, xenophobia and related intolerance from taking place;

180. Urge States to promote investigations to establish the existence of possible links between persecution, police violence and penal sanctions, on the one hand, and racism, racial discrimination, xenophobia and related intolerance, on the other, so as to have evidence for taking the necessary steps for their eradication;

181. Urge States to work with law enforcement agencies in designing, implementing and enforcing effective policies and programmes to prevent, detect, and ensure accountability for incidents of police misconduct motivated by race or ethnic origin, to prosecute such police misconduct and to eliminate "racial profiling" by law enforcement officials;

182. Urge States to compile and publish statistical data disaggregated by race and ethnicity in the areas of health, the criminal justice system, housing, education and employment to facilitate review of whether policies or programmes have a disparate impact on these groups and to support the development of specific policies or programmes to remedy this impact;

183. Urge States to implement strict oversight and regulation of private prisons;

184. Urge States to adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials, and in developing such rules and regulations, to keep the ethical issues associated with the use of force and firearms constantly under review, including by collecting data on the use of force and deadly force;

185. Urge States to provide appropriate assistance to victims of hate crimes, and public education to prevent future incidents;

186. Urge States to give special attention, when promoting and implementing legislative and judicial policies designed to give workers adequate protection, to the serious situation of lack of protection and, in some cases, the exploitation or trafficking of victims of racism, racial discrimination, xenophobia and related intolerance, a situation that allows or facilitates confinement, as in the case of domestic workers and dangerous and badly paid jobs;

187. Urge States to avoid the negative effects of discriminatory practices, racism and xenophobia in employment and occupation by promoting the application and observance of international instruments and norms on workers' rights, including the Declaration on Fundamental Principles and Rights at Work. Also urge them to continue their efforts to protect the rights of workers who are particularly vulnerable to racism, racial discrimination, xenophobia and related intolerance;

188. Urge States to design, promote and implement effective legislative and administrative policies against the serious situation experienced by certain groups of workers who are victims of racism, racial discrimination, xenophobia and other related intolerance including, persons involved in prostitution and others who may be exploited or be victims of illegal trafficking;

189. Urge States to foster the creation, growth and expansion of minority-owned businesses by increasing access to capital through, inter alia, community development banks, work with the private sector to create jobs, help retain existing jobs and stimulate industrial and commercial growth in economically distressed areas;

190. Request States, when their domestic legal systems so require, to adopt the necessary implementing legislation to give effect to their obligations under the international instruments to which they are parties that provide for the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance. Furthermore request States, where it is authorized by their legal system, to adopt such provisions directly, in both cases in accordance with the applicable principles of international law so as to ensure that in the event of conflict between the provisions of international instruments and domestic law, precedence is given to the former;

191. Invite States to consider reforms to their systems for the administration of justice in order to provide free legal assistance where appropriate to victims of discrimination so that legal action can be initiated to permit the prosecution and punishment of the perpetrators of such acts;

192. Invite States to request the Office of the United Nations High Commissioner for Human Rights to develop and fund specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance, and, if necessary, to assist them in seeking additional resources for carrying out projects of this type;

Reparation; restitution; compensation; indemnification

193. Urge States to adopt the necessary measures to ensure the rights of victims, in particular the right to an effective judicial remedy and to seek just and adequate reparation or satisfaction for acts of racism, racial discrimination, xenophobia and related intolerance, and effective measures designed to prevent the resurgence of such acts;

194. Urge States to engage in a dialogue, with a view to the World Conference, to consider inter alia and to the extent possible the following measures:

(a) The creation of a special development fund;

(b) The improvement of the access to international markets of products from countries affected by the phenomenon of slavery, servitude and colonization;

(c) The creation of a programme to restore art objects, historical artefacts and documents to the country of origin;

(d) The creation of an educational fund;

(e) The reform of multilateral organizations;

National institutions

195. Urge States to include or reinforce, as part of the mandate of the Ombudsman - or equivalent institutions - jurisdiction over cases of racism, racial discrimination, xenophobia and related intolerance, as well as foster cooperation of these institutions with national institutions;

196. Urge States to take steps to ensure that national human rights institutions reflect the diversity of the country and population, and to ensure that members of groups which are victims of or vulnerable to racism, racial discrimination, xenophobia and related intolerance can participate fully in these institutions;

197. Urge States to support national human rights institutions or similar bodies responsible for combating racism, racial discrimination, xenophobia and related intolerance, inter alia, by promoting quantitative, qualitative and gender-sensitive research on the subject with the participation of those being researched, the publication and circulation of existing national laws and jurisprudence and cooperation with institutions in other countries so that knowledge can be gained of the manifestation, functioning and mechanisms of these practices and strategies designed to prevent, combat and eradicate them;

198. Also urge States to ensure that national human rights institutions and public institutions responsible for combating racism, racial discrimination, xenophobia and related intolerance, inter alia, have within their competence the capacity to receive, investigate and mediate complaints and, where appropriate, to refer such complaints to the justice system for appropriate action;

Humanitarian law

199. Urge States to take the necessary measures to ensure respect for their obligations under international humanitarian law, particularly those relating to discrimination on the basis of race, colour, descent or national or ethnic origin;

200. Urge States that have not yet done so to consider acceding, as a matter of urgency, and without reservations, to the 1949 Geneva Conventions and their two Additional Protocols of 1977, as well as to other treaties of international humanitarian law and to enact, with priority, appropriate legislation, taking the measures required to give full effect to their obligations under international humanitarian law, in particular in relation to the rules prohibiting discrimination;

[201-202. No text]

Regional and international cooperation/regional and international instruments

203. Urge States in the region to develop cooperation programmes to promote equal opportunities for the benefit of indigenous peoples, people of African descent, migrants and other victims of racism, and encourage the World Conference to propose the creation of multilateral cooperation programmes with the same objective;

204. Call upon States to prepare, in the context of the Organization of American States, an Inter-American Convention against Racism, Racial Discrimination, Xenophobia and Related Intolerance to widen the scope of existing international instruments, by including provisions on the new manifestations of racism, racial discrimination, xenophobia and related intolerance and establishing follow-up mechanisms;[6]

204 bis. Encourage international financial institutions, in particular the World Bank and the Inter-American Development Bank, to include in their regular reporting to their boards of governors information on their contributions to promoting the participation of people of African descent, indigenous peoples and other marginalized groups within their organization, and information on their efforts to facilitate the participation of racial, ethnic, religious, cultural and other minorities in the economic, social, political, cultural and political life of their countries;

204 ter. Encourage international financial institutions, in particular the World Bank and the Inter-American Development Bank, to examine how their policies and practices affect racial, ethnic, linguistic, cultural and religious minorities, and indigenous peoples, and to ensure that these policies and practices contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance;

205. Encourage the States of the Americas and the national human rights institutions to create or strengthen regional mechanisms designed to foster dialogue, exchange of experiences and cooperation in matters concerning racism, racial discrimination, xenophobia and related intolerance;

205 bis. Encourage the Organization of American States to examine further the relationship between culture, cultural diversity and the elimination of racism, racial discrimination, xenophobia and related intolerance, and to convene meetings of officials, experts and civil society to determine how the Organization can strengthen its ability to contribute to the eradication of racism, racial discrimination, xenophobia and related intolerance in the Americas;

206. Urge States and regional and international organizations to work in partnership with national institutions, the judiciary, non-governmental organizations and civil society and, in particular, with victims of racism, racial discrimination, xenophobia and related intolerance to develop appropriate and effective remedies;

207. Invite States to include the subject of the struggle against racism, racial discrimination, xenophobia and related intolerance in the work programmes of the regional integration agencies and of the regional cross-boundary dialogue forums and, in this context, request States to consider the creation of a centre for the study of multiracial and multicultural issues, as part of such an agency as they deem appropriate;

208. Recommend that host countries for migrants consider the provision of adequate services in the areas of health, education and accommodation as a matter of priority in their cooperation measures with the United Nations agencies, the Organization of American States and international financial bodies and also request that these agencies should provide an adequate response to such requests;

209. Invite the international institutions to study the causes of migrations in specific cases and to cooperate with the countries of origin in addressing the causes of migratory flows;

210. Call upon States to formulate national human rights strategies and plans in compliance with the objectives set forth in the Declarations and Plans of Action of the Regional Conference of the Americas and the South African World Conference, and as provided for in other relevant instruments and decisions; and further request that, in cases where such national human rights strategies and plans already exist, they incorporate in them the agreements arising from the Regional Conference and the World Conference;

211. Urge the international community to take cognizance of the very real difficulties that peoples of different racial and ethnic backgrounds inevitably experience in seeking to live together and to develop genuine harmonious multiracial societies. Also urge them to recognize that the art and technology of developing multiracial and multicultural societies and the positive example of successful multiracial societies such as some of those in the Caribbean need to be systematically studied, and therefore request the United Nations to consider establishing an international centre for multiracial studies and policy development to undertake this critical work;

International Convention on the Elimination of All Forms of Racial Discrimination

212. Urge States that have not yet done so to consider ratifying or acceding to the international human rights instruments which condemn and combat racism, racial discrimination, xenophobia and related intolerance and, in particular, to ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination, as soon as possible, with a view to achieving universal ratification of the Convention by the year 2005;

[213. No text]

214. Urge States to limit the scope of any reservation they may lodge to the International Convention on the Elimination of All Forms of Racial Discrimination, to formulate any reservation as precisely and as narrowly as possible, to ensure that no reservation is incompatible with the object and purpose of the Convention or is otherwise inconsistent with international law. Further urge them to review their reservations regularly with a view to withdrawing them;

215. Request States to consider the possibility of making the declaration envisaged in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination;

216. Urge States to continue cooperating with the Committee on the Elimination of Racial Discrimination and other human rights treaty monitoring bodies in order to promote the effective implementation of these instruments and compliance with the recommendations adopted by these bodies concerning complaints of racism, racial discrimination, xenophobia and related intolerance, by means of an effective, constructive and transparent dialogue;

Other specific international instruments

217. Call upon all States to consider, as a matter of priority, the signature and ratification or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, or accession to this instrument;

218. Urge States to consider ratifying and implementing as appropriate the international instruments which protect the rights of indigenous peoples, including International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent countries and the Convention on Biological Diversity, in order to progress in the eradication of racism, racial discrimination, xenophobia and related intolerance in the Americas;

219. As part of the strategy to combat racism, racial discrimination, xenophobia and related intolerance, urge States to consider ratifying or acceding to, as a matter of priority and without making reservations that are incompatible with the object and purpose of the treaties, the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to this instrument; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

220. Considering their importance in the struggle against racism, racial discrimination, xenophobia and related forms of intolerance, invite States to consider ratifying or acceding to the Geneva Conventions and Protocols on Humanitarian Rights, the Convention for the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention relating to the Status of Refugees and its Protocol and the [Statute of Rome of the International Criminal Court], and to consider ratifying or acceding to the Conventions of the International Labour Organization relating to racism, racial discrimination, xenophobia and related intolerance;

Commission on Human Rights and its mechanisms

221. Recommend that the Commission on Human Rights should prepare complementary international standards to strengthen and update international legislation against racism, racial discrimination, xenophobia and related intolerance;

222. Request the Commission on Human Rights to include in the mandates of all the special mechanisms a request to report on problems relating to racism, racial discrimination, xenophobia and related intolerance;

223. Call upon Governments to cooperate in actions to prevent and combat racism, racial discrimination, xenophobia and related intolerance, with the appropriate special mechanisms of the Commission on Human Rights and other mechanisms of the United Nations in matters pertaining to racism, racial discrimination, xenophobia and related intolerance, in particular with the Special Rapporteurs and Independent Experts on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, religious intolerance, freedom

of opinion and expression, human rights of migrants, violence against women, extreme poverty, and the Special Representative of the Secretary-General on the situation of human rights defenders, and with the Working Groups of the Sub-Commission on the Promotion and Protection of Human Rights on Indigenous Populations, Minorities, and Contemporary Forms of Slavery;

Third Decade to Combat Racism and Racial Discrimination

224. Urge States to adopt the corresponding decisions within the United Nations for the purpose of changing the pattern of financing the activities of the Third Decade to combat Racism and Racial Discrimination so that they can be covered under the regular budget of the United Nations.

225. Request States to consider undertaking an evaluation of the progress made in the implementation of the present Plan of Action five years after its approval.

II. ORGANIZATION OF THE CONFERENCE

1. The Regional Conference of the Americas in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held at Santiago from 5 to 7 December 2000, as mandated by the Commission on Human Rights in its resolution 1999/78 (para. 55). Four plenary meetings were held.

A. Opening Ceremony

2. At the opening ceremony, on 5 December 2000, two Mapuche indigenous persons from Chile, Mr. Augusto Aillapán and Mr. Manuel Lincovil, conducted a shaman ceremony to bless the Regional Conference and encourage goodwill, cooperation and understanding during the meetings.

3. The Conference was officially opened by His Excellency Mr. José Miguel Insulza, Vice-President of the Republic of Chile, who made a statement.

4. Mr. Heraldo Muñoz, Acting Minister of Foreign Affairs of Chile, also made a statement.

5. Ms. Mary Robinson, United Nations High Commissioner for Human Rights and Secretary-General of the World Conference made a statement.

6. Mr. José Antonio Ocampo, Executive Secretary of the Economic Commission for Latin America and the Caribbean, addressed the Conference.

7. Additionally, at its first plenary meeting, the following persons addressed the Conference: Ms. Bibiana Jones (Argentina), Ms. Mia Mottley (Minister of Education, Youth and Culture of Barbados), Ms. Hedy Fry (Secretary of State for Multiculturalism and Women of Canada), Ms. Elayne Whyte (Vice-Minister for External Relations and Culture of Costa Rica), Mr. Alfonso Fraga (Cuba), Mr. Alfonso López Araujo (Director General of Human Rights of Ecuador), Ms. Angela Garoz Cabrera (Vice-Minister of External Relations

of Guatemala), Mr. Porfirio Muñoz Ledo (Mexico), Mr. Michael Southwick (Deputy Assistant Secretary of State of the United States), and Mr. Antonio Mercader (Minister of Education of Uruguay).

8. Mr. Moreno, representative of the European Preparatory Conference against Racism (Council of Europe), also addressed the plenary.

9. Mr. Francisco Estévez, representative of the secretariat of the Conference on Citizens against Racism, Xenophobia, Discrimination and Intolerance, which was held on 3 and 4 December 2000 in Santiago, also made a statement.

B. Attendance

10. The Regional Conference was attended by States Members of the United Nations in the region, observers (States Members outside the region, representatives of United Nations bodies, intergovernmental organizations, national human rights institutions and other entities) and non-governmental organizations (NGOs). For the list of attendance, see annex II.

C. Election of officers

11. At its first meeting, the Conference confirmed the election of the following officers by acclamation:

Chairperson:	Mr. Heraldo Muñoz (Chile)
Vice-Chairpersons:	Mr. Hernán Couturier (Peru) Ms. Mia Mottley (Barbados) Ms. Hedy Fry (Canada) Mr. Gilberto Saboia (Brazil) Mr. Alfonso López Araujo (Ecuador) Ms. Elayne Whyte (Costa Rica)
Rapporteur:	Ms. Angela Garoz Cabrera (Guatemala)

D. Adoption of the agenda and rules of procedure

12. At the first meeting, the Regional Conference had before it the provisional agenda (WCR/RCONF/SANT/2000/1) and programme of work (WCR/RCONF/SANT/2000/2).

13. It adopted its agenda without a vote. For the agenda, see annex I.

14. At the same meeting, the Regional Conference adopted as its rules of procedure, insofar as applicable, those of the functional commissions of the Economic and Social Council.

E. Organization of work and other matters

15. Also at the first meeting, the Regional Conference considered the organization of its work.

16. The Conference agreed to the recommendation of the Bureau of the Regional Conference to divide its work between two committees, a main committee and a drafting committee. The Main Committee would constitute itself as the plenary, when necessary. At each meeting, the Main Committee would consider one of the five themes of the provisional agenda of the World Conference, in accordance with its programme of work. The Drafting Committee would undertake the elaboration of the draft Declaration and Plan of Action and report back to the plenary.

17. At the first meeting of the plenary, it was also agreed that the list of speakers on the five themes would be opened at the beginning of the session for all participants. The closure of the list of speakers on any particular theme would be announced by the Chairperson in advance.

18. At the same meeting, the Regional Conference agreed to the recommendations of the Bureau that for each of the five themes, statements would be limited to five minutes for participants and observers and to three minutes for NGOs, although the time limit would be interpreted flexibly.

19. For the list of documents of the Regional Conference, see annex III.

F. Plenary

20. Concerning the first meeting of the plenary, see paragraphs 3 to 20 above. At the second meeting, on 6 December, Mr. Essop Pahad, Minister in the Office of the President of the Republic of South Africa, addressed the Conference. Mr. Domingo Miliani González, Ambassador of Venezuela to Chile, also made a statement.

21. At the third meeting, on 7 December, Mr. Ricardo Lagos, President of the Republic of Chile, addressed the Regional Conference.

G. Main Committee

22. At its first meeting, on 5 December, the Main Committee considered theme 1, "Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance". This meeting was chaired by Mr. Couturier.

23. Statements on theme 1 were made by the representatives of: Barbados, Brazil, Chile, Columbia, Cuba, Jamaica, Peru.

24. Statements on theme 1 were also made by the following observers:
Mr. Abdelfattah Amor, United Nations Special Rapporteur on religious intolerance;
Mr. Hipólito Solariyrigoyen, member of the United Nations Human Rights Committee; and
Mr. Julio Ruiz, Secretary-General of Fondos para los Pueblos Indigenas.

25. Statements on theme 1 were made by the following non-governmental organizations: American Association of Jurists, Artistas Internacionales Argentina, Asociación de Mujeres Garifunas Guatemaltecas, Assembly of First Nations, Asociación Internacional Gay y Lesbiana, Bloc Común Costeño Nicaragüense (Bluefields, Indian & Caribbean University), Canadian Council for Refugees, Centro de Desarrollo de la Mujer Negra Peruana (CEDEMUNEP), Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ), Comando Nacional de la Izquierda Chilena, Comunidad Bahai Brazil, Commission of Churches on International Affairs of the World Council of Churches, Coordinating Council of Jewish Organizations, Foro Andino, Foro Nacional por la Diversidad y el Pluralismo, Fundación Rigoberta Menchú, Grand Council of the Crees, Indigenous Peoples and Nations Coalition, Indigenous World Association, International Association against Torture, International Indian Treaty Council, Nacional Congress of American Indians, Organización de Mujeres Aymaras de Kollasuyo, Proceso Organizativo del Pueblo Rom (Gitano), Servicia Paz y Justicia en America Latina (SERPAJ), Na Koa Ikaika Okalahui (Indigenous Caucus statement), Universidad de las Regiones Autónomas de la Costa Caribe Nicaragüense (URACCAN), Youth Caucus.

26. At its second meeting, on 6 December, the Main Committee considered theme 2, "Victims of racism, racial discrimination, xenophobia and related intolerance". The meeting was chaired by Ms. Mottley.

27. Statements on theme 2 were made by the representatives of: Argentina, Barbados, Brazil, Canada, Chile, Guatemala, Haiti, Mexico, Peru.

28. A statement was made by Ms. Yolanda Ferrer Gómez, member of the United Nations Committee on the Elimination of Discrimination against Women.

29. Statements on theme 2 were made by the following non-governmental organizations: Academia Mexicana de Derechos Humanos (AMDH), Alianza Estratégica Afroamerica XXI, Asociación de Trabajdoras Domésticas, CEDEMUNEP, Chinese Canadian National Council, Commission of the Churches on International Affairs of the World Council of Churches, Federación Democrática Internacional de Mujeres, Federación de Mujeres Cubanas, Iglesia Católica Argentina, Indigenous Peoples and Nations Coalition, Instituto de la Mujer Negra, International Lesbian and Gay Association (ILGA), International Indian Treaty Council, International Possibilities Unlimited, METM - National Council Canada, Movimiento Tupaj Amaru, National Coalition to Abolish the Death Penalty, Nuevos Derechos del Hombre de Argentina, Puerto Rican Legal Defence and Education Fund, Race Relations Institute, Rede de Abogàdos (Brazil), SERPAJ, South Caucus.

30. The Main Committee held its third meeting on 6 December, when it considered theme 3, "Measures of prevention, education, and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels". The meeting was chaired by Ms. Fry.

31. Statements on theme 3 were made by the representatives of: Brazil, Chile, Costa Rica, Cuba.

32. Statements were made by the following observers: Mr. Abdelfattah Amor, United Nations Special Rapporteur on Religious Intolerance; Mr. Américo Aroca, Défensor del Pueblo de Perú; Mr. Francisco Campbell, representative of the Central American Parliament; Mr. Alejandro González, member of the Committee against Torture; Mr. Claudio Mueckay, representative of the Defensor del Pueblo de Ecuador; Mr. Gerard Paytrignet, Regional Representative of the International Committee of the Red Cross; Ms. Marilia Sardenberg, member of the United Nations Committee on the Rights of the Child; Ms. Rosela Stagnaro de Von Lindeman, Representative of Defensora del Pueblo de la Républica de Panamá; Mr. John Hucker, Canadian Human Rights Commission.

33. At the same meeting, statements were made by representatives of the following non-governmental organizations: Afroamérica, Allianza Estratégica Afroamérica XXI, American Association of Jurists, American Friends Service Committee, Artistas Internacionales Argentina, Canadian Race Relations Foundation, CEDEMUNEP, Centro de Estudios das Ralações do Trábalo e Desigualdade (CEERT), Comisión Nacional Indígena, Fala preta! Organização de Mulheres Negras, Proceso Afroamérica, Fundación Rigoberta Menchú, Iglesia Católica Peruana, Indigenous Peoples and Nations Coalition, Instituto Católico Chileno de Migración, Instituto Centroamericano de Derecho de la Integración (INCADI), Inter-Ethnic Association of the Peruvian Rain Forest (AIDESEP), MADRE, Movimiento Nacional de Ninõs y Adolescentes Trabajadores Organizados del Perú, Movimiento Tupaj Amaru, Na Koa Ikaika Okalahui, Penal Reform International, Rede Nacional Feminista de Saude e Direitos, Servicia Paz y Justicia en America Latina (SERPAJ), Simon Wiesenthal Centre, Unidad Educativa Benito Galarraga, Youth Caucus.

34. At its fourth meeting, on 7 December, the Main Committee considered theme 4 "Provision of effective remedies, recourse, redress [compensatory] and other measures at the national, regional and international levels". The meeting was chaired by Mr. Saboia.

35. Statements on theme 4 were made by the representatives of: Barbados, Bolivia, Brazil, Chile, Costa Rica, Haiti.

36. Statements were made by the following observers: Mr. Eduardo Cifuentes Muñoz, Defensor del Pueblo de Colombia, and Mr. Hayden Thomas, Ombudsman of Antigua.

37. The following non-governmental organizations also made statements: Afrodescendientes de las Américas, All For Reparations and Emancipation (AFREcure), American Jewish Committee, Canadian Race Relations Foundation, Caucus Hemisférico sobre Globalización, Centro de Estudos e Defensa do Negro de Pará (CEDENPA), Centro Unica dos Trabalhadores (CUT), Comisión Mapuche Urbana de Chile, Commission on International Affairs of the World Council of Churches, Communidad Bahai Brazil, Coordinadora Indígena de Estudiantes de Perú, Escritório Nacional Zumbi dos Palmares, Federación Argentina de Colectividades, Geldés-Instituto da Mulher Negra, Human Rights Watch, Iglesia Católica Argentina, Indian Law Resource Centre, Indigenous Peoples and Nations Coalition, Instituto Casa da Cultura Afrobrasileira de Mato Grosso do Sul, Instituto Presbiteriano Álvao Reis de Asistencia a Criança et Adolescente (INPAR), Instituto Sindical Interamericano pela Igualdade Racial, International Association against Torture, Lawyers Committee for Civil Rights, Maryknoll Fathers and Brothers, Movimiento Nacional de Ninõs y Adolescentes Trabajadores Organizados del Perú,

Movimiento Tupaj Amaru, Mujeres Mapuches Urbanas, Na Koa Ikaika Okalahui, National Anti-Racism Council (Canada), National Congress of American Indians, Oficina de Derechos Humanos del Arzobispado de Guatemala, Organización Likan Mapu (Chile), Organización Mapuche Ad-Mapu, Soweto-Organização Negra Brasil, Women's International League for Peace and Freedom (WILPF).

38. At its fifth meeting, on 7 December, the Main Committee considered theme 5, on "Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up". The meeting was chaired by Mr. López Araujo.

39. Statements with regard to theme 5 were made by the representatives of: Brazil, Chile, Colombia, Costa Rica, United States of America.

40. A statement on theme 5 was made by the representative of the following observer State: New Zealand.

41. Statements on theme 5 were also made by the following observers:
Mr. Luis R. Valencia, Vice-Chair of the Committee on the Elimination of Racial Discrimination,
Mr. Leo Valladares, Federación Iberoamericana de Ombudsman.

42. Statements on theme 5 were made by representatives of the following non-governmental organizations: African Canadian Coalition against Racism, Agence Internacionale d'informations, Alianza Estratégica Afroamérica XXI, Asociación para la Formación de Lideres Afrocolombianos (AFRODES), APEOESP-Sindicato dos Professores do Encino Oficial do Estado de São Paulo, CAPAJ, Casa de la Cultura Indo-Afro-Americana, CEERT, Coalition of the Caribbean, Comando Nacional de la Izquierda Chilena, Comisión on International Affairs of the World Council of Churches, CUT, Dirigente Nacional Mapuche Movimiento Territorial y Medio Ambiente, Eléékó, Fepci, Indigenous Peoples and Nations Coalition, Instituto Latinoamericano de Doctrina y Estudios Sociales (ILADES), Movimiento Negro Unificado Brasil, Movimiento Tupaj Amaru, Na Koa Ikaika Okalahui, Organización Gómez y Gómez, Organización no gubernamental de la discapacidad de Chile, Physicians for Human Rights, Pueblo Atacameño Likan Antay, Rights of Children, Unitarian Universalist Service Committee, Women's Human Rights Caucus, Youth Caucus.

III. SUBMISSION OF THE REPORT OF THE DRAFTING COMMITTEE

43. On 7 December, given the late hour, an informal meeting was convened to consider the report of the Drafting Committee. It was chaired by His Excellency Ambassador Juan Enrique Vega of the Republic of Chile.

44. The Chair of the Drafting Committee indicated that the Declaration and Plan of Action (WCR/RCONF/SANT/2000/L.1) had been adopted by consensus, with the exception of article 70 of the draft Declaration. He stated that Canada and the United States of America had indicated that they had reservations to this article and that they would make their reservations orally during the course of the meeting.

45. The Chair proposed that the Declaration and Plan of Action be sent to the Governments of the region and that they could make editorial adjustments, if they so wished. However, any changes made were not intended to reopen the debate on the substance of the issues.

46. The representatives of Argentina, Brazil, Cuba and Ecuador expressed agreement with the Chair's proposal.

47. The Chair also stated that the text of article 70, on which there was no consensus, would be transmitted to the plenary. The informal meeting was concluded.

IV. ADOPTION OF THE DRAFT DECLARATION AND PROGRAMME OF ACTION

48. The fourth meeting of the plenary was convened after the conclusion of the informal meeting to consider agenda item 4. It was chaired by Ms. Whyte who presented the report of the Drafting Committee. She explained that the Drafting Committee had approved for adoption the preamble and the Declaration and Plan of Action of the Conference of the Americas, with the exception of article 70.

49. The representatives of Canada and the United States of America made statements in that regard. The text of the statements is contained in annex IV.

50. The Chair proposed that the Chair of the Drafting Committee submit the text of the Declaration and Plan of Action within 2 days to the Governments of the region, which would have 15 days from that date to submit editorial comments. The representative of Brazil agreed with the proposal. The representative of Cuba also agreed to the proposal, on the understanding that the changes submitted would only concern style and language, and would not affect the content or substance of the text.

51. The texts of comments submitted by participants are contained in annex V.

52. The draft Declaration and Plan of Action were thereupon adopted without a vote. For the text, see chapter I.

V. ADOPTION OF THE REPORT OF THE REGIONAL CONFERENCE OF THE AMERICAS TO THE PREPARATORY COMMITTEE

53. Also at its fourth meeting, the Regional Conference of the Americas considered agenda item 5. The Rapporteur introduced the draft report of the Regional Conference of the Americas (WCR/RCONF/SANT/2000/L.2), which was adopted without a vote.

Notes

[1] Canada and the United States of America submitted comments concerning this paragraph, during the period provided to States to make comments on the document. For the texts see annex V of the report.

[2] Canada stated that it could not support part of this paragraph. For the text of its intervention, see annex IV of the report. During the period provided to States to make comments on the document the United States of America submitted comments concerning this paragraph. For the text see annex V of the report.

[3] The United States of America expressed a reservation concerning the interpretation of this paragraph. For the text see annex IV of the report.

[4] Canada and the United States of America submitted comments concerning this paragraph, during the period provided to States to make comments on the document. For the texts, see annex V of the report.

[5] Canada and the United States of America did not agree to the inclusion of this paragraph. For the text of their interventions, see annex IV of the report.

[6] Canada and the United States of America submitted comments concerning this paragraph during the period provided to States to make comments on the document. For the text of their comments see annex V of the report.

Annex I

AGENDA

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda and rules of procedure.

4. Organization of work and other matters:

   (a) Constitution of the Main Committee (plenary);

   (b) Constitution of the Drafting Committee;

   (c) Other matters.

5. Report of the Drafting Committee.

6. Adoption of the draft declaration and programme of action.

7. Adoption of the report of the Conference of the Americas to the Preparatory Committee for the World Conference.

Annex II

LIST OF PARTICIPANTS

Participants

States Members of the United Nations in the region

Antigua and Barbuda, Argentina, Bahamas, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Peru, United States of America, Uruguay, Venezuela.

Observers

States Members outside the region

Islamic Republic of Iran, New Zealand, South Africa, Sweden.

United Nations bodies

United Nations Verification Mission in Guatemala.

Members of United Nations bodies and human rights mechanisms

Mr. Miguel Alfonso Martínez, Sub-Commission on the Promotion and Protection of Human Rights; Mr. Abdelfattah Amor, Special Rapporteur on religious intolerance; Mr. José Bengoa, Sub-Commission on the Promotion and Protection of Human Rights; Mrs. María Yolanda Ferrer, Committee on the Elimination of Discrimination against Women; Mr. Alejandro González Poblete, Committee against Torture; Mr. Carlos Lechuga Hevia, Committee on the Elimination of Racial Discrimination; Ms. Marilia Sardenberg, Committee on the Rights of the Child; Mr. Hipólito Solari Yrigoyen, Human Rights Committee; Mr. Luis Valencia Rodríguez, Committee on the Elimination of Discrimination.

International organizations

European Commission, Inter-American Development Bank, Inter-American Institute of Human Rights.

National institutions

Defensor del Pueblo, Colombia; Defensor del Pueblo, Ecuador; Canadian Human Rights Commission; Human Rights Commission of Belize; Mexican Human Rights Commission; Office of the Ombudsman, Antigua.

Other entities

International Committee of the Red Cross.

Non-governmental organizations

Academia Mexicana de Derechos Humanos, A. C., Asociación de Desarrollo y Promoción Humana de la Costa Atlántica, Africa Vive, African Association of Regina, Inc., African-Canadian Legal Clinic, African-Canadian Coalition against Racism, Africuille Genelogi Society of Canada, Afrodescendientes de las Américas, Afroatelier de Arte Argentino, Afrooricha, Agence internationale d'informations, Agencia Latinoamericana de Información, Afro-Garifuna Nicaragüense, Afroamérica XXI Alianza Estratégica, Algonquin Anishinabeg Nation Tribal Council, American Association of Jurists, American Friends Service Committee, American Immigration Lawyers Association, American Indian Law Alliance, American Jewish Committee, Amnesty International Applied Research Center, Arte y Cultura Africana en Buenos Aires, Articulaçao de Mulheres Brasileiras, Artistas Internacionales Argentina, Asamblea Nacional Indígena Plural por la Autonomía, Asamblea Permanente Derechos Humanos, Asociación Afroecuatoriana Fertiza, Asociación Afroecuatoriana Luchando por el Futuro, Asociación Afroecuatoriana para la Protección de la Infancia Mami, Asociación Afroecuatoriana Valle Independiente, Asociación Civil CAREF, Asociación Cultural de Agentes de Negros Pastoral del Brasil, Asociación de Comunidades Indígenas, Asociación del Ministerio Pastoral y Servicio Cristiano "AMIPASTOR", Asociación de Mujeres Afrocolombianas, Asociación de Mujeres Garifunas Guatemaltecas, Asociación de Mujeres Inmigrantes Haitianas, Asociación de Organizaciones Juveniles Libertad, Asociación de Trabajadoras Domésticas, Asociación Ixä Ca Vaá de Desarrollo e Información Indígena, Asociación Mapuche Meli Rewa, Asociación Napguana, Asociación Negra de Defensa y Promoción de Derechos Humanos, Asociación para el Desarrollo de Mujeres Negras Costarricenses, Asociación Pro Desarrollo de la Mujer y del Medio Ambiente, Inc., Asociación Proyecto Caribe, Assembly of First Nations, Association of Black Lawyers of Quebec, Association of the People from the Caribbean Coast of Nicaragua, Association pour l'integration des personnes handicapées, Aukin Wallmapu Ngulam-Consejo de Todas las Tierras -Mapuche, Baha'i International Community, Barbados NGO Committee for the World Conference, Belarusian Center for Constitutional and Comparative Legal Studies (Belarus), Big Sisters of Philadelphia, Black Hills Teton Sioux Nation, Inc., Black Leadership Forum Inc., Bloc Común Costeño Nicaragüense (Bluefields, Indian & Caribbean University), B'Nai B'Rith Internacional Distrito 27, B'Nai B'Rith Uruguay, Canada Auto Workers' Visible Minorities Committee in Quebec, Canadian Bar Association, Canadian Council for Refugees, Canadian Ethnocultural Council, Canadian Heritage, Canadian Human Rights Commission, Canadian Race Relations Foundation, Casa de la Cultura da Mulher Negra, Casa de la Cultura Indo Afro Americana, Casa de la Mujer Maltratada Física y Psicológicamente, Casa Indoafroamericana, Casa por la Identidad de las Mujeres Afro, Caucus Hemisférico sobre Globalización, Center for Democratic Renewal, Center for Women's Global Leadership, Central Única dos Trabalhadores, Centro da Mulher de Favelas e Periferia, Centro de Articulaçao de Populaçoes Marginalizadas, Centro de Articulación y Desarrollo Juvenil Mundo de Ébano, Centro de Derechos Humanos y Culturas Indígenas de Oaxaca, Centro de Derechos Humanos y Medio Ambiente, Centro de Desarrollo de la Mujer Negra Peruana, Centro de Educación Campesina de Bases, Centro de Estudios Migratorios Latinoamericanos, Centro de Estudos Brasil Africa, Centro de Estudos das Relações do Trabalho e Desigualdade, Centro de Estudos e Defens a do Negro de Pará, Centro de Investigaciones y Documentación Socioeconómica, Centro de Promoción para el Desarrollo Comunal, Centro de Referencia do Negro, Centro por la Justicia y el Derecho Internacional, Charles Stewart Mott Foundation, Chinese Canadian National Council, Citizens Commission on Civil Rights, Citizens for

Environmental Justice, Coalition of the Caribbean, Colectiva Mujer y Salud, Coletivo de Mulheres Afrodescendientes de Cabo Frio, Columbia University Human Rights Institute, Comando Nacional de la Izquierda Chilena, Comedia Negra de Buenos Aires, Comisión Católica Peruana de Migración, Comisión Colombiana de Juristas, Comisión de Derechos Civiles de Puerto Rico, Comisión de Mujeres Uruguayas, Comisión Internacional para los Derechos de los Pueblos Indígenas de Sudamérica, Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, Comisión Mapuche Urbana de Chile, Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, Comisión Nacional de Juventudes - Conferencia Episcopal Peruana, Comisión Nacional Indígena, Comisión para la Defensa de los Derechos Humanos en Centroamérica, Comité de Solidaridad Triqui en el Área Metropolitana, Commission of the Churches on International Affairs of the World Council of Churches, Comunidad Baha'i Brazil, Comunidad Indígena Ashaninka Marankiari - Rio Perene, Comunidad Indígena del Pueblo Colla Tinkunaku, Comunidad Internacional de Mujeres Viviendo con VIH/SIDA, Comunidad Negra San Luis de Cañete, Conaie, Confederación de las Nacionalidades Amazónicas del Perú, Confederación de Nacionalidades Indígenas de la Costa Ecuatoriana, Confederación de Pueblos Autóctonos de Honduras, Confederación Indígena del Oriente Boliviano, Congreso Nacional Indígena, Consejo de Ayllus Marcas de Qullasuyo, Consejo Regional de Palenques, Consejo Regional del Cauca, Conselho Municipal de Desenvolvimento e Participaçao da Comunidade Negra de Santos, Contacto Boliviano (periódico de la colectividad boliviana en Argentina), Coordinadora Ecuatoriana para el Accionar Juvenil, Coordinadora Indígena de Estudiantes Amazónicos, Coordinadora Indígena de Estudiantes del Perú, Coordinadora Nacional de Mujeres Indígenas de Panamá, Coordinadora Nacional de Mujeres Negras, Coordinadora Pastoral Aborigen, Coordinadora Política de Mujeres Ecuatorianas, Coordinating Council of Jewish Organizations, Corporación Empresarial y Ambiental Shadai, Corporación Justicia y Democracia Criola, Cultural Survival Canada, Defensores de los Derechos Humanos y Patrimoniales, Dirigente Nacional Mapuche Movimiento Territorial y Medio Ambiente, Eléékò, Emancipation Support Committee of Trinidad and Tobago, Escritorio Irohin, Escritório Nacional Zumbi dos Palmares, European Network Against Racism, Fala Preta! Organizaçao de Mulheres Negras, Federación Argentina de Colectividades, Federación Democrática Internacional de Mujeres, Federación de Mujeres Cubanas, Federación Indígena y Campesina de Imbambura, Feine-Federación Ecuatoriana de Indígenas Evangélicos, Fepci, Ford Foundation, Foro Andino, Foro de ONGs que luchan contra la discriminación, Foro Nacional de la Mujer, Foro Nacional por la Diversidad y la Pluralidad, Foro Permanente de Mujeres en Esmeraldas, Forum de Mulheres Negras do Estado de São Paulo, Forum Nacional de Entidades Negras, Frente Ecuatoriano de Derechos Humanos, Fundaçao Centro de Referencia da Cultura Negra, Fundación Armonía para Puerto Rico, Fundación Ateneo de Rio Chico, Fundación Bala Bala, Fundación Caribe Afrocimarrón, Fundación de Amigos del Instituto Universitario Barlovento, Fundación de Protección del Joven y del Afrovenezolano, Fundación Diálogo Mujer, Fundación Ideas, Fundación Instituto de la Mujer, Fundación Jaime Guzmán, Fundación Metodista de Desarrollo Integral, Fundación Participación, Cooperación y Convivencia Comunitaria, Fundación Regional de Asesoría en Derechos Humanos, Fundación Rigoberta Menchú, Fundación Wangki Luhpia, Geledés -Instituto da Mulher Negra, General Board of Global Ministeries of the United Methodist Church, Greni -Grupo de Religiosa(o)s Negros e Indígenas, Grumin -Grupo Mulher-Educaçao Indigena, Grupo Cultural Yuyachkani, Guyana Human Rights Association, Human Rights Internet, Human Rights Watch, Imena -Institut für Mensch und Natur, Iglesia Católica Argentina, Iglesia Católica Peruana, Indian Confederation of Indigenous and Tribal People, Indian Law Resource Centre, Indigenous World

Association, Instituto Casa de Cultura Afrobrasileira de Mato Grosso do Sul, Instituto Católico Chileno de Migración, Instituto Colombiano para la Igualdad de Oportunidades, Instituto de Capacitación y Desarrollo Integral, Instituto de Desarrollo Afro, Instituto de Desarrollo Económico y Social, Instituto de Estudios Jurídicos de El Salvador, Instituto de la Mujer Negra, Instituto de Mulheres Negras do Amapá, Instituto de Pesquisa das Culturas Negras, Instituto de Pesquisa e Açao Modulae, Instituto de Politica e Açao Social -Hilda Alves, Instituto Interamericano de Derechos Humanos, Instituto Latinoamericano de Servicios Legales Alternativos, Instituto Presbiteriano Álvaro Reis de Asistencia a Criançá e Adolescente, Instituto Puertorriqueño de Estudios de Raza e Identidad, Instituto Sindical Interamericano pela Igualdade Racial, Integrador Nacional de Descendientes de Indígenas Americanos, Inter-Ethnic Association of the Peruvian Rainforest, International Association against Torture, International Association of Peace Messenger Cities, International Centre for Human Rights and Democratic Development, International Confederation of Free Trade Unions, International Federation of Human Rights Leagues, International Human Rights Association of American Minorities, International Human Rights Law Group, International Indian Treaty Council, International Lesbian and Gay Association, International Liaison Simon Wiesenthal Center, International Possibilities Unlimited, Kilombo -Organização Negra do Rio Grande do Norte, Lawyers' Committee for Civil Rights, Leadership Conference on Civil Rights, MADRE, Mamauca, Maryknoll Fathers and Brothers, METM -National Council Canada, Minnesota Advocates for Human Rights, Misión Rescate Planeta Tierra -Perú, Movimento Articulado de Mulheres da Amazonia, Movimento Negro Unificado -Seçao Goias, Movimiento Autóctono Indígena Salvadoreño, Movimiento Cubano por la Paz y la Soberanía de los Pueblos, Movimiento de la Juventud Kuna, Movimiento de Mujeres Domínico-Haitianas, Movimiento Indígena Colombiano, Movimiento Nacional de Niños y Adolescentes Trabajadores Organizados del Perú, Movimiento Negro Unificado Brasil, Movimiento Tupaj Amaru, Mujeres Mapuches Urbanas, Na Koa Ikaika Okalahui Hawaii, NAACP -Legal Defense and Educational Fund Inc., National Action Committee on the Status of Women, National Anti-Racism Council, National Asian Pacific American Legal Consortium, National Bar Association, National Center for Human Rights Education, National Coalition to Abolish the Death Penalty, National Congress of American Indians, National Council of Negro Women, Inc., National Garifuna Council of Belize, National Network for Inmigrant and Refugee Rights, Native American Rights Fund, Native Courtworker and Counselling Association of British Columbia, Network of NGOs of Trinidad and Tobago for Advancement of Women, Nuevos Derechos del Hombre de Argentina, Oficina de Derechos Humanos del Arzobispado de Guatemala, Organización de Desarrollo Étnico Comunitario, Organización de los Pueblos Indígenas de la Amazonia Colombiana, Organización de Mujeres Afrocolombianas, Organización de Mujeres Aymaras del Kollasuyo, Organización de Mujeres Indígenas Urbanas, Organización de Mujeres Negras, Organización del Movimiento Histórico y Cultural Sinecio Mina, Organización Gómez y Gómez, Organización Likan Mapu, Organización Mundo Afro, Organización Nación Purhepech, Organización Negra Centroamericana, Organización no gubernamental de la discapacidad de Chile, Organization of Africans in the Americas, Organization of Indigenous People in Suriname, Penal Reform International, Physicians for Human Rights, Proceso Afroamérica, Proceso de Comunidades Negras en Colombia, Proceso Organizativo del Pueblo Rom (Gitano), Pueblo Atacameño, Puerto Rican Legal Defense and Education Fund, Race Relations Institute, Red de Educación Popular entre Mujeres, Red de Mujeres Afrocaribeñas y Afrocolombianas, Red de Abogados, Rede Saude/Rede Nacional Feminista de Saude e Direitos, Regina Peace Council, Rights & Democracy, Rights of Children, Robert F. Kennedy Memorial, Roy Wilkins Center for Human

Relations and Social Justice, Saskatchewan Action Committee, Saskatchewan Coalition against Racism, Servicio Paz y Justicia en América Latina, Simon Wiesenthal Centre, Sociedades Afrosergipana de Estudos e Ciudadani Brasil, South Africa National NGO Coalition, Southpanafrican, Soweto-Organización Negra Brasil, The African American Policy Forum, The Aldet Centre, The Drammeh Institute Inc., The Pan African Movement, Toronto Chinese & Southeast Asian Legal Clinic, Trabalhos Estudos Zumbi, Tribuna Israelita de México, União de Negros pela Igualdade, Unidad Educativa Benito Galarraga, Unión de Mujeres Negras de Venezuela, Unión de Organizaciones de la Sociedad Civil de las Américas, Unitarian Universalist Service, United Church of Christ Justice and Witness Ministries, United to End Racism, Universidad de las Regiones Autónomas de la Costa Caribe Nicaragüense, Universidad Inca Garcilaso de la Vega, Vancouver Association of Chinese Canadians, Women's Health in Women's Hands, Women's International League for Peace and Freedom, Women's Sports Foundation, World Alliance of Young Men's Christian Associations (World YMCA), World Association of Community Radio Broadcasters, World Organization of the Scout Movement, Youth against Racism.

Annex III

LIST OF DOCUMENTS

Documents issued for the Regional Conference of the Americas

Provisional agenda of the Regional Conference of the Americas (WCR/RCONF/SANT/2000/1)

Provisional programme of work of the Regional Conference of the Americas (WCR/RCONF/SANT/2000/2)

Draft Declaration and Plan of Action of the Regional Conference of the Americas (WCR/RCONF/SANT/2000/L.1)

Draft report of the Regional Conference of the Americas - 7 December 2000 (WCR/RCONF/SANT/2000/L.2)

Reference documents

General Assembly resolution 52/111 of 18 February 1998 on the Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference against racism, racial discrimination, xenophobia and related intolerance

Report of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance on its first session (Geneva, 1-5 May 2000) (A/CONF.189/PC.1/21 and Corr. 1)

Racial discrimination and religious discrimination: identification and measures. Study prepared by Mr. Abdelfattah Amor, Special Rapporteur on religious intolerance (A/CONF.189/PC.1/7)

Report of the expert seminar on remedies available to the victims of racial discrimination, xenophobia and related intolerance and on good national practices in this field (Geneva, 16-18 February 2000) (A/CONF.189/PC.1/8)

Report of the Expert Seminar on Racism, Refugees and Multi-Ethnic States (Geneva, 6-8 December 1999) (A/CONF.189/PC.1/9)

Report of the Central and Eastern European regional seminar of experts on the protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level (Warsaw, 5-7 July 2000) (A/CONF.189/PC.2/2)

Commission on Human Rights resolution 1999/78 of 28 April 1999 on racism, racial discrimination, xenophobia and related intolerance

Report of Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1999/78 (E/CN.4/2000/16 and Add.1)

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, submitted in accordance with Commission resolution 1999/36 (E/CN.4/2000/63 and Add.1-4)

Report of the Special Rapporteur on the human rights of migrants, Mrs. Gabriela Rodríguez Pizarro submitted pursuant to Commission resolution 1999/44 (E/CN.4/2000/82)

Declarations and Programmes of Action of the two World Conferences to Combat Racism and Racial Discrimination held at Geneva in 1978 and in 1983

Conclusions and recommendations of the Bangkok Seminar of Experts (5-7 September 2000)

Conclusions and recommendations of the Addis Ababa Seminar of Experts (4-6 October 2000),

Conclusions and recommendations of the Santiago Seminar of Experts (25-27 October 2000)

Annex IV

STATEMENTS BY PARTICIPANTS

Canada

Declaration, paragraph 27

"Canada could not support some of the language contained in paragraph 27 on the rights of people of African descent, particularly with respect to the questions of ancestral lands and natural resources."

Declaration, paragraph 70

"Canada could also not accept the language proposed in paragraph 70. The paragraph does not properly reflect international law, including article 2 (3) of the International Covenant on Civil and Political Rights in relation to remedies. In particular, the use of the term "reparations" is, in Canada's view, too restrictive. Further, it is not clear from the current language what obligations and responsibilities arise out of the paragraph."

United States of America

Declaration, paragraph 62

The United States consents to the inclusion of paragraph 62 on the understanding that its meaning is incompatible with article IV of the American Declaration on the Rights and Duties of Man.

Declaration, paragraph 70

The United States objects to the inclusion of paragraph 70 as it was not adopted by general agreement.

Annex V

COMMENTS SUBMITTED BY PARTICIPANTS

Canada

Declaration, paragraph 4

With regard to paragraph 4 of the Declaration, Canada notes that it is inappropriate to apply a modern concept of international law to acts which took place centuries ago.

Declaration, paragraph 68

Canada expressed concerns regarding paragraph 68 of the Declaration as it does not accord with the specific obligations arising out of the International Convention on the Elimination of All Forms of Racial Discrimination.

Plan of Action, paragraph 204

With respect to paragraph 204 of the Plan of Action, it is Canada's view that it is premature to call for the creation of a new international instrument without first undertaking an examination of the need for such an instrument in view of existing international instruments, and second, determining the appropriate scope of such an instrument.

United States of America

Declaration, paragraph 4

The United States understood that the Drafting Committee agreed to delete paragraph 4 of the Declaration and would use paragraph 70 in place of all paragraphs being negotiated that characterized slavery as a crime or a crime against humanity. As the draft document circulated for comment does not reflect this understanding, the United States informed the Chair of the Regional Conference that the United States cannot support paragraph 4.

Declaration, paragraph 27

During the period provided to States to review the draft Declaration, the United States objected to the inclusion of the following portion of the paragraph: "to their ancestrally inhabited land; to the use, enjoyment and conservation of the natural renewable resources of their habitat". The United States, therefore, cannot support a paragraph that includes this language.

Declaration, paragraph 68

It is the position of the United States that this paragraph does not accurately reflect international law and, as drafted, is inconsistent with aspects of domestic law. For example, not all acts of

racism or intolerance would constitute a violation of domestic law and domestic investigations are not required to be "exhaustive". Domestic investigations are, however, expected to pursue all relevant and logical investigative leads.

Plan of Action, paragraph 204

The United States, like Canada, objects to paragraph 204 based on its belief that it is premature to call for the creation of a new international instrument without first undertaking an examination of the need for, and the scope of, such an instrument. Therefore, the United States cannot support this paragraph.